

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SYLVESTER WATKINS,

Plaintiff,

Case No. 2:12-cv-290

v.

Honorable R. Allan Edgar

MITCH PERRY, et al.,

Defendants.

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

On July 25, 2013, U.S. Magistrate Judge Timothy P. Greeley entered a Report and Recommendation (“R&R”) in this case, in which he recommended that Defendants’ motion for summary judgment be granted and this case be dismissed without prejudice for failure to exhaust. Doc. No. 25. Magistrate Judge Greeley further recommended that Plaintiff’s pending motion be denied.

Plaintiff has filed objections to the R&R. Doc. No. 26. This Court is required to make a de novo determination of those portions of the R&R to which objections have been filed, and may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a). In his objections, Plaintiff asserts that he did exhaust, and points to an exhibit that appears to be minutes from a Newberry Correctional Facility Warden’s forum meeting. Doc. No. 26-1. Plaintiff has not established exhaustion. Plaintiff’s grievance was rejected, and he therefore failed to exhaust.

Plaintiff's objections [Doc. No. 26] are without merit and are DENIED. Magistrate Judge Greeley's R&R [Doc. No. 25] is APPROVED and ADOPTED as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. L. Civ. R. 72.3(b). Defendants' motion for summary judgment [Doc. No. 17] is GRANTED. Plaintiff's case is DISMISSED WITHOUT PREJUDICE in its entirety. Plaintiff's motion to produce documents [Doc. No. 22] is DENIED. A Judgment consistent with this Memorandum and Order will be entered.

SO ORDERED.

Dated: 9/23/2013

/s/ R. Allan Edgar
R. Allan Edgar
United States District Judge